

R-2

C-3

C-3
SC

R-3
SC

Subject Property
Parcel 2

A-2
SC

R-4

R-2

Subject Property
Parcel 1

MIRANDA

C-1

LINDBERGH

R-1

C-4
SC

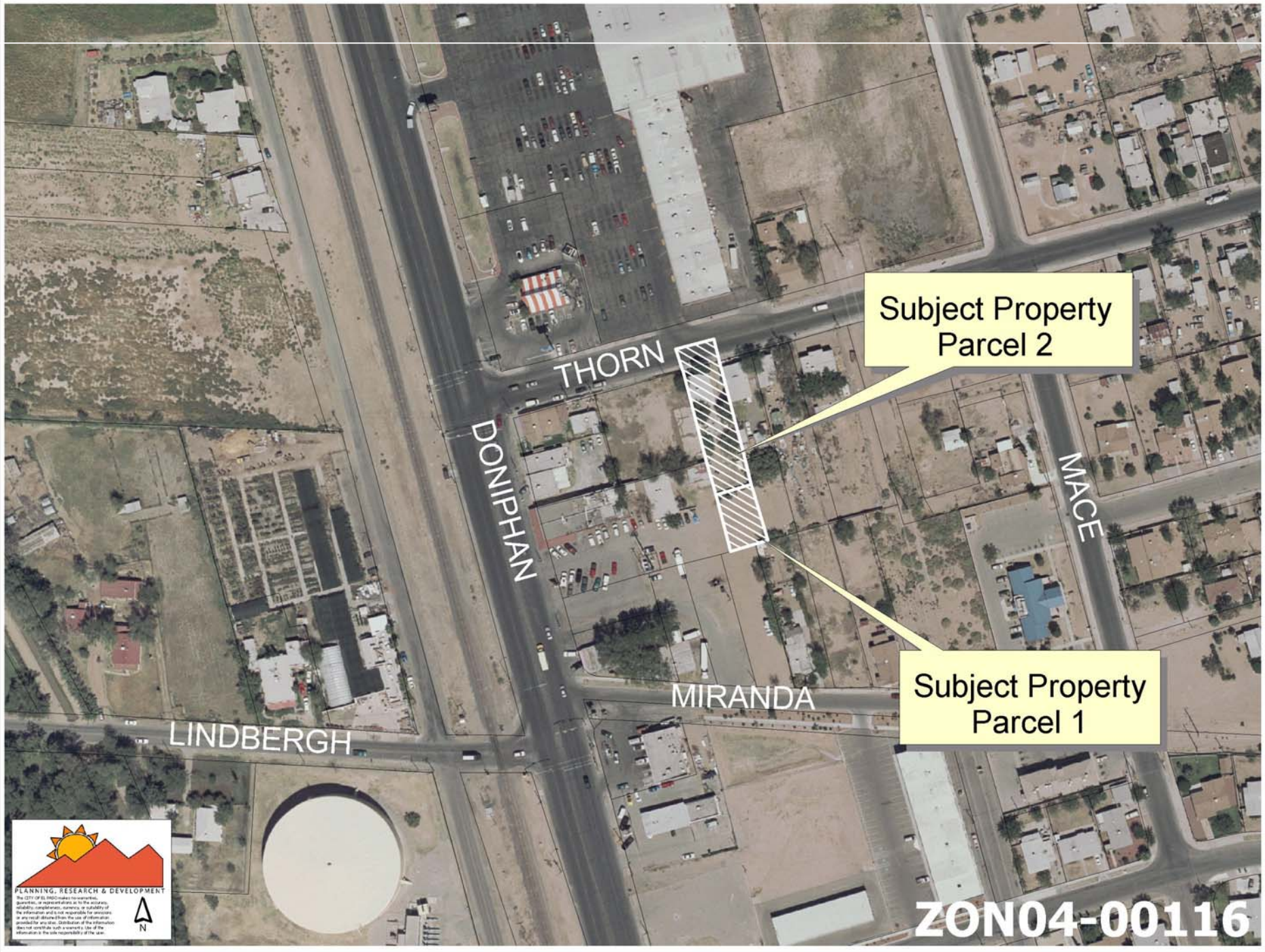
C-4

C-4
SC

A-2

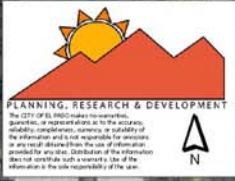
R-3

ZON04-00116

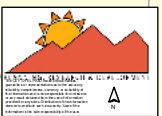
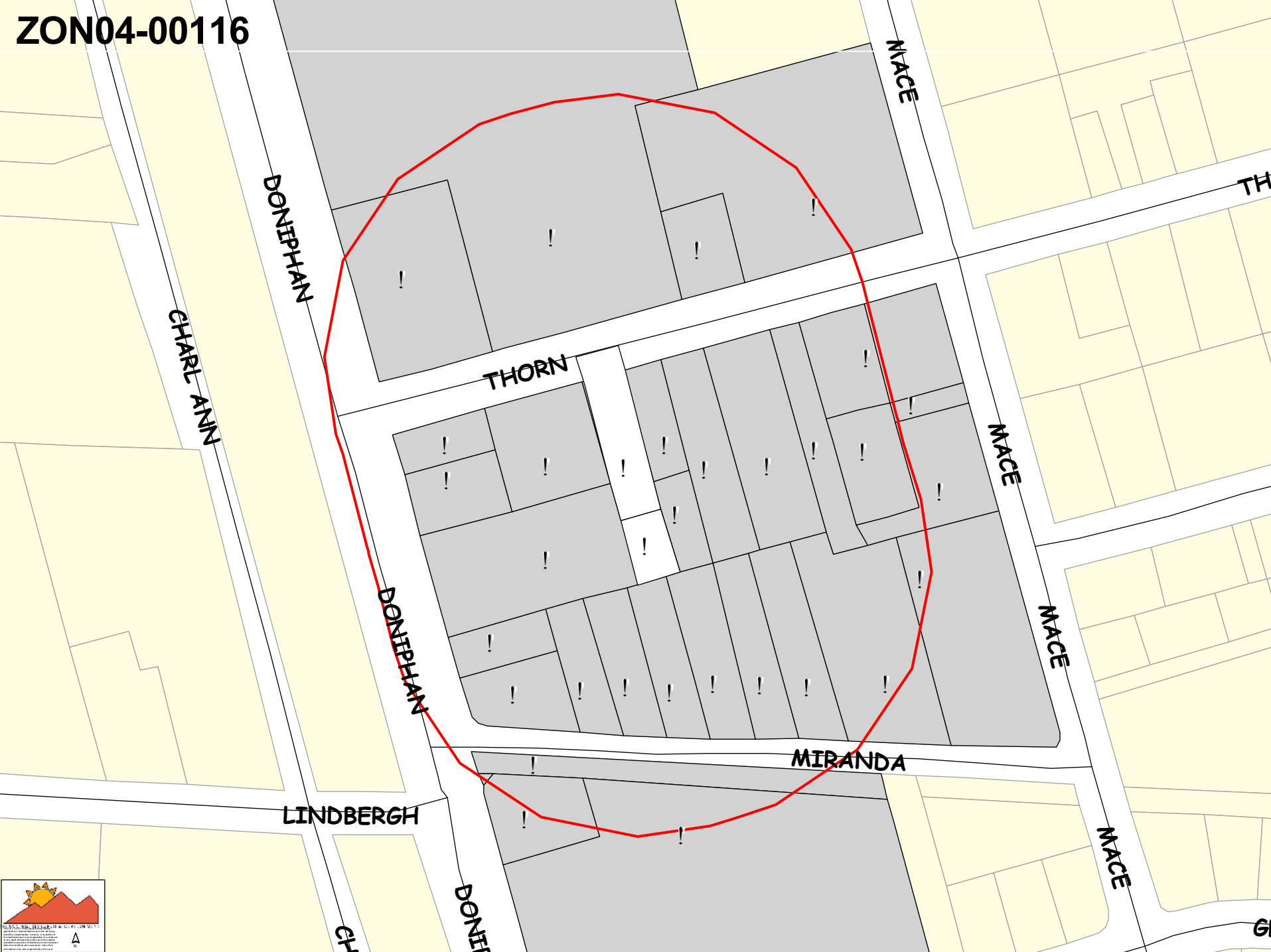


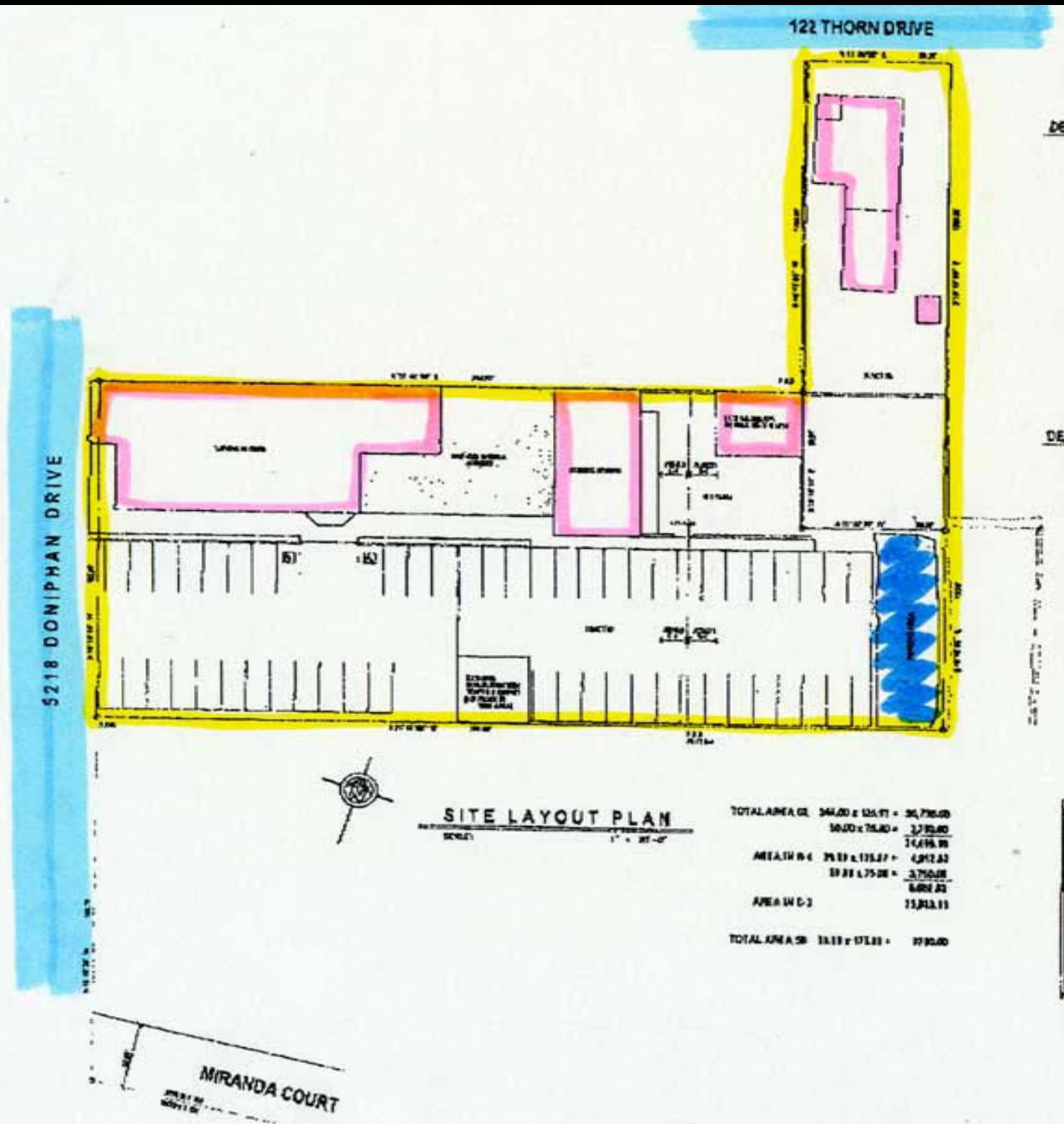
Subject Property
Parcel 2

Subject Property
Parcel 1



ZON04-00116





ZON04-00116



ZON04-00116



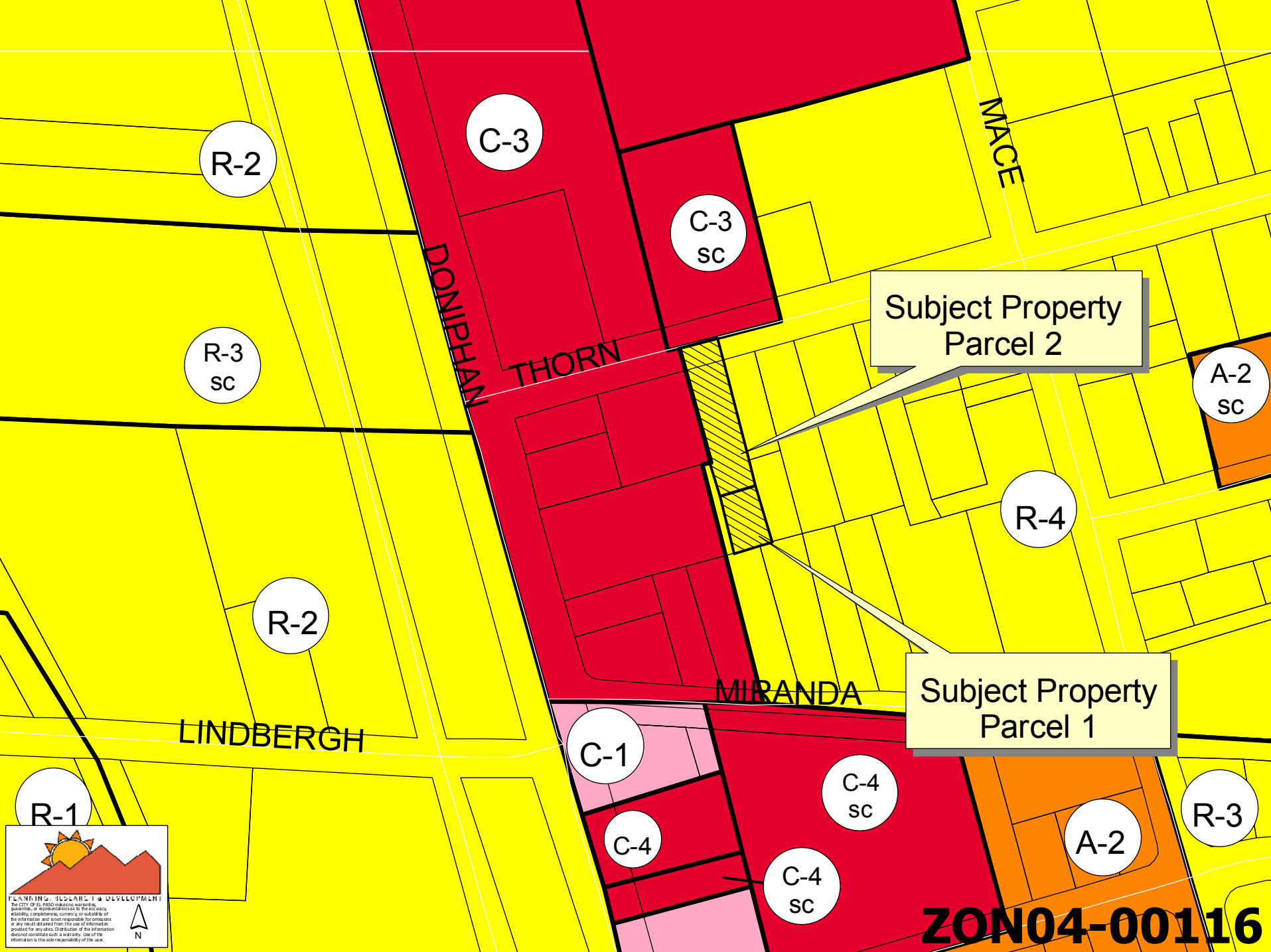
ZON04-00116



ZON04-00116







R-2

C-3

C-3
SC

R-3
SC

Subject Property
Parcel 2

A-2
SC

R-4

R-2

Subject Property
Parcel 1

MIRANDA

C-1

C-4
SC

LINDBERGH

R-1

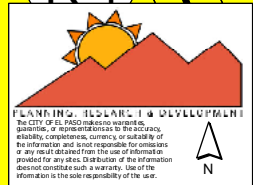
C-4

C-4
SC

A-2

R-3

ZON04-00116



"RETAIN FOR SUBSEQUENT COUNCIL PUBLIC HEARING"



OCT 15 PM 1:15

**CITY OF EL PASO, TEXAS
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**

MEMORANDUM

TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
Patricia D. Adauto, Deputy City Manager
Laura Uribarri, Executive Assistant to the Mayor
Adrian Ocegueda, Executive Assistant to the Mayor

FROM: Jorge E. Rousselin, Urban Planner *JE R*

SUBJECT: Council Agenda Items Introductions (Ordinance)
Introduction: October 26, 2004
Public Hearing: November 16, 2004

DATE: October 15, 2004

The following item has been scheduled for City Council action as noted above. Relevant information is attached. If you have any questions, please contact me at 541-4723.

SEE ATTACHED ITEMS FOR INTRODUCTION AND SUBSEQUESNT REGULAR COUNCIL MEETING.

Office Use Only			
Mayor's Office (4 copies):	date: _____	time: _____	by: _____
Representative District 1:	date: _____	time: _____	by: _____
Representative District 2:	date: _____	time: _____	by: _____
Representative District 3:	date: _____	time: _____	by: _____
Representative District 4:	date: _____	time: _____	by: _____
Representative District 5:	date: _____	time: _____	by: _____
Representative District 6:	date: _____	time: _____	by: _____
Representative District 7:	date: _____	time: _____	by: _____
Representative District 8:	date: _____	time: _____	by: _____
City Attorney's Office: (3 copies):	date: _____	time: _____	by: _____

C: George Sarmiento, Planning Director; Rudy Valdez, Chief Urban Planner; Esther Guerrero, Planning Tech.;
Lisa A. Elizondo, City Attorney; Theresa Cullen-Garney, Deputy City Atty.; Matt Watson, Assistant City Atty, City Clerk.

1. AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 62, S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS (5210 DONIPHAN DRIVE) BE CHANGED FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND TRACT 58 S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS (122 THORN AVENUE) FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

General Information

The City Plan Commission (CPC), on September 30, 2004 voted 4-0 with one abstention to recommend **APPROVAL** of rezoning the subject property to C-1 (Commercial) and A-O (Apartment/Office).

The applicant is requesting a rezoning from to in order to permit additional parking and a professional office on two parcels. The portion of property proposed for rezoning is 0.3976 acres in size (17,412.83 sq. ft.) and is currently a vacant portion of a lot and a residence. The proposed site plan shows an expansion of an existing parking lot to be located on the site while conversion of the existing home to a professional office. Access to the expansion of the parking lot is proposed via Doniphan Dr.; access to the professional office is proposed via Thorn Av. There are no zoning conditions currently imposed on this property.

Originally, the applicant was requesting a rezoning to C-3 (Commercial). The staff recommended C-1(Commercial) and the CPC recommended **C-1(Commercial) and A-O (Apartment/Office)** for the subject property. The applicant will need to provide parking for the office use on Thorn Avenue.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.

Attachments: Ordinance, Staff Report

1. AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 62, S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS (5210 DONIPHAN DRIVE) BE CHANGED FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND TRACT 58 S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS (122 THORN AVENUE) FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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There was **NO OPPOSITION** to this request.

Attachments: Ordinance, Staff Report

STAFF REPORT

Rezoning Case: ZON04-00116

Property Owner(s): Seggy Corporation

Applicant(s): Mark Seggline

Representative(s): Henry Alvarado

Legal Description: Tract 62, S.A. & M.G. RR Co. Survey No. 267

Location: 5218 Doniphan

Representative District: # 1

Area: Parcel 1: 0.1988 acres (8, 662.83 sq. ft.)
Parcel 2: 0.1988 acres (8, 750 sq. ft.)

Present Zoning: R-4 (Residential)

Present Use: Residential

Proposed Zoning: C-3 (Commercial)

Proposed Use: Riviera Restaurant (Parking Lot & Office)

Surrounding Land Uses:

North -	C-3/sc (Commercial/special contract) / Retail
South -	R-4 (Residential) / Vacant
East -	R-4 (Residential) / Residences
West-	C-3 (Commercial) / Vacant / Restaurant

Year 2025 Designation: Commercial (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, September 30, 2004
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON04-00016

General Information:

The applicant is requesting a rezoning from R-4 (Residential) to C-3 (Commercial) in order to permit additional parking and a professional office on two parcels. The portion of property proposed for rezoning is 0.3976 acres in size (17,412.83 sq. ft.) and is currently a vacant portion of a lot and a residence. The proposed site plan shows an expansion of an existing parking lot to be located on the site while conversion of the existing home to a professional office. Access to the expansion of the parking lot is proposed via Doniphan Dr.; access to the professional office is proposed via Thorn Av. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL WITH CONDITIONS** of this request for rezoning from **R-4** to **C-3** with the following condition:

“That the proposed parcels be rezoned to C-1 which allows a parking lot and a professional office to minimize impact to abutting residential uses.”

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for **Commercial** land uses.

C-1 zoning permits a parking lot and professional office and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will **C-1 zoning** protect the best interest, health, safety and welfare of the public in general?
- B. Will additional parking and a professional office be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department, Zoning Division Notes:

- Need to identify uses on stand alone buildings
- Need to provide parking calculations for entire site, if parking requirements cannot be met may have to apply for a parking reduction
- Six foot screening wall required between C- zone abutting R- zone
- May need to apply for a Special Privilege License for portion of building encroaching onto public right of way on Doniphan Drive
- Building Permits and Inspections recommends approval provided that the applicant can comply with all the addressed comments

Engineering, Construction Division Notes:

- See enclosure 1

Engineering, Traffic Division Notes:

- See enclosure 2

Fire Department Notes:

- Proposed zoning change does not adversely affect Fire Department.

El Paso Water Utilities Notes:

- See enclosure 3

Planning, Research and Development Department Notes:

- Recommendation for approval of zoning change to C-1 which allows a parking lot and a professional office to minimize impact to abutting residential uses.

ATTACHMENT: Location Map; Concept Plan; Department comments.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.

Engineering Department
DEVELOPMENT DIVISION
COMMENTS

TO: PLANNING DEPARTMENT

DATE: September 13, 2004

FROM: ENGINEERING DEPARTMENT

ADDRESS: 5218 Doniphan Dr.

ATTN: Kimberly Forsyth, Fred Lopez, or
Jorge Rousselin, Urban Planners

PROPOSED USE: Riviera Restaurant

CASE NO.: ZON04-00116

PROPOSED ZONE: C-3

REQUEST: Rezoning from R-4 to C-3

LEGAL DESCRIPTION: Tract 62, S.A. & M.G. RR Co. Survey No. 267

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Sidewalks & wheel chair ramps will be required,
- ☒ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☐ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☒ 8. On site ponding will be required.
- ☒ 9. Private pond is required.
- ☒ 10. No water runoff allowed unto Doniphan Dr.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is not located within the Special Flood Hazard Area. Zone C, Panel 21 D. Existing encroachment needs to be addressed, along with any required building setbacks along Doniphan Dr.

Bashar Abugalyon, P. E.
Chief Development Engineer

DISTRICT: 1

HME

DHCC Action:

Approved _____ / _____ / _____

W/ modifications _____

Denied _____ / _____ / _____ Reason _____

Tabled _____ / _____ / _____ Until _____ / _____ / _____ Weeks



ENGINEERING DEPARTMENT

Traffic Division

memorandum

TO: Fred Lopez, Planner II
Kimberly Forsyth, Planner II
Planning Department

FROM: Traffic Division

DATE: September 13, 2004

SUBJECT: ZON04 - 00116 5218 Doniphan
Rezoning form R-4 to C-3

Regarding the above referenced DCC item, the Traffic Division has the following comments:

- No apparent traffic concerns with the proposed zoning change

NOTE: Sidewalks shall be provided on Doniphan Street
Coordinate access with the Texas Department of Transportation

Should your office or the applicant have any questions or comments regarding these issues, please contact Rudy Pino or Margarita Molina, at 541-4223.

INTEROFFICE MEMORANDUM

To: Kimberly Forsyth
Urban Planner/Land Development

From: El Paso Water Utilities - Engineering

Date: September 24, 2004

Subject: **ZON04- 00116 (Rezoning Case)**
Tract 62, S. A. & M. G. RR Co-Survey No. 267 (the Property).

Location: 5218 Doniphan Drive.
Present: R-4 (Residential); residential
Proposed: C-3 (Commercial); Riviera Restaurant

We have reviewed the zoning change request described above and provide the following comments:

General

Water and sanitary sewer mains exist along Thorn Street, Doniphan Drive, and Miranda Street, and are available to provide service.

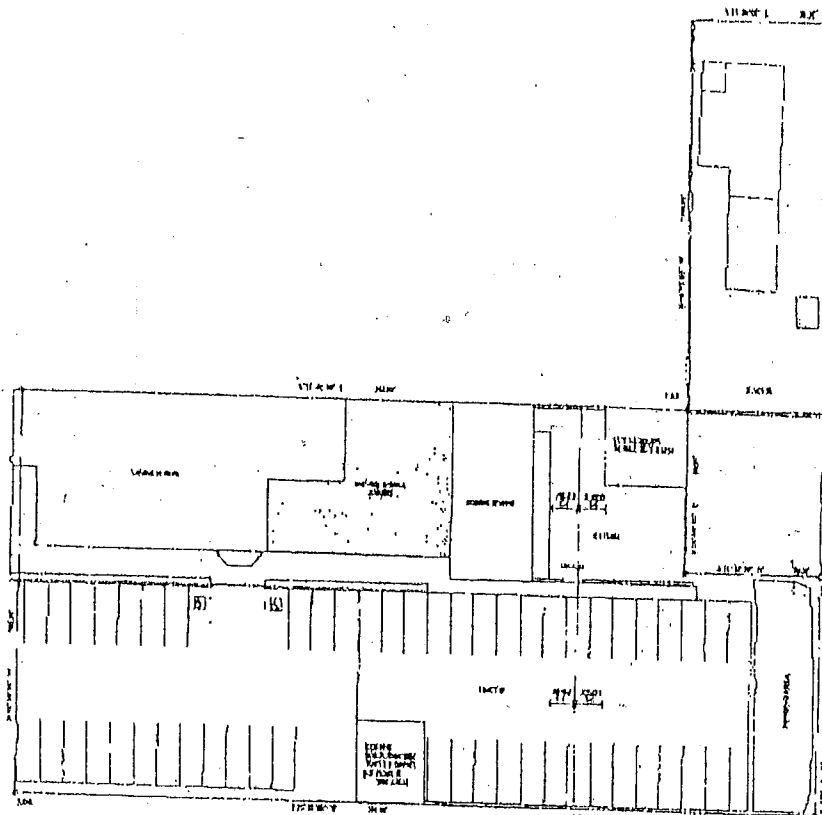
In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Doniphan Drive is a Texas Department of Transportation (TX DOT) right-of-way. All proposed water and sanitary sewer work to be performed within Doniphan Drive right-of-way requires written permission from TX DOT.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.

5218 DONIPHAN DRIVE

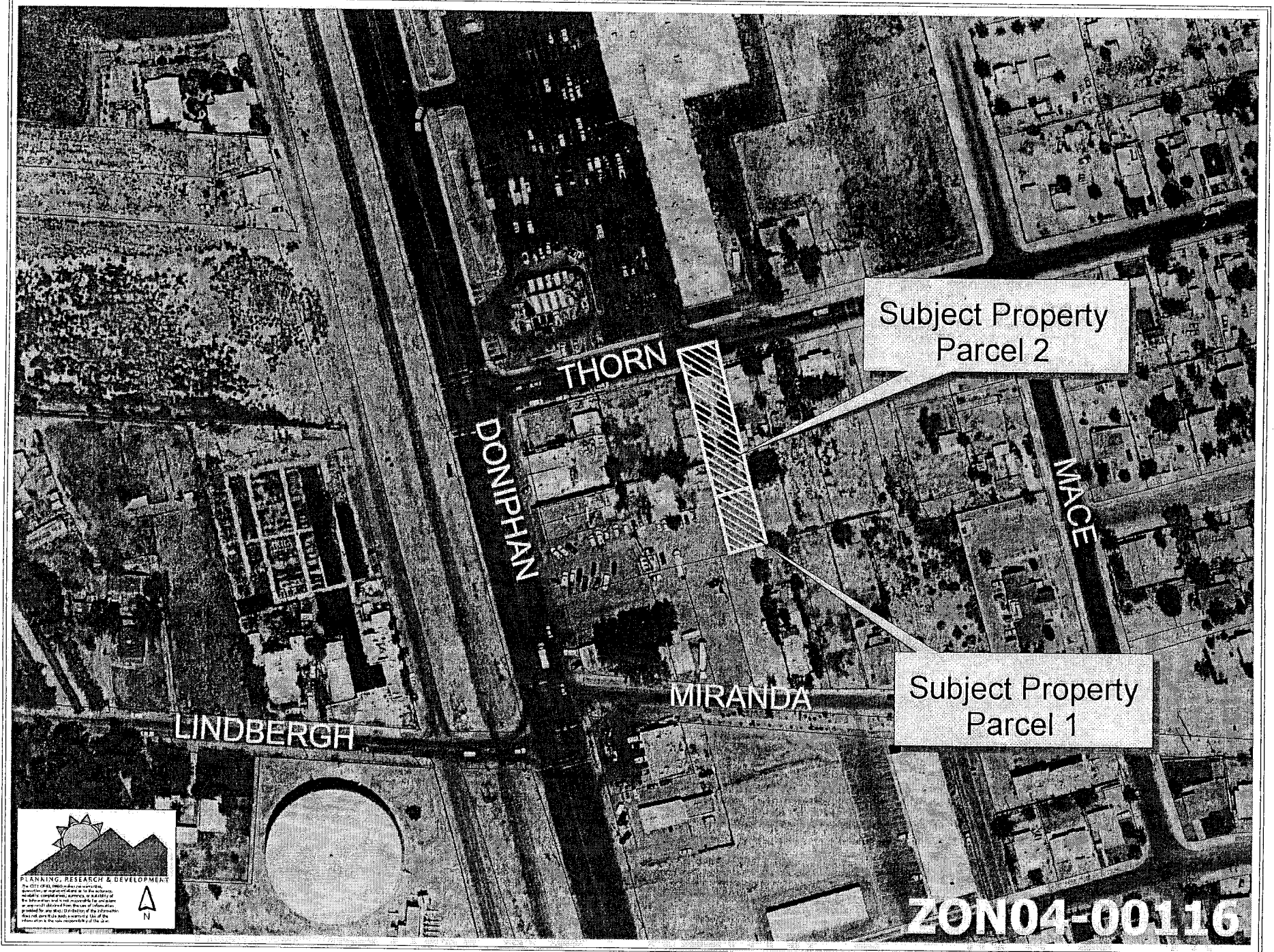


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11A PAGE 11 CONTINUED FROM 10.

101/11/11/11 11/11/11/11 11/11/11/11

MIRANDA COURT



Subject Property
Parcel 2

Subject Property
Parcel 1

ZON04-00116

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 62, S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS (5210 DONIPHAN DRIVE) BE CHANGED FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND TRACT 58 S.A. & M.G. RAILROAD COMPANY SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS (122 THORN AVENUE) FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of A portion of tract 62, S.A. & M.G. Railroad Company Survey No. 267, El Paso, El Paso County, Texas as more particularly described by metes and bounds in the attached and incorporated Exhibit "A," and municipally numbered as 5210 Doniphan Drive, be changed from R-4 (Residential) to C-1 (Commercial) within the meaning of the zoning ordinance, and that the zoning of Tract 58 S.A. & M.G. Railroad Company Survey No. 267, El Paso, El Paso County, Texas as more particularly described by metes and bounds in the attached and incorporated Exhibit "A," and municipally numbered as 122 Thorn Avenue be changed from R-4 (Residential) to A-O (Apartment/Office) within the meaning of the zoning ordinance and that the map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of **November, 2004.**

THE CITY OF EL PASO


Joe Wardy, Mayor

ATTEST:

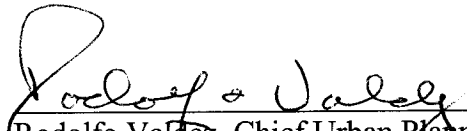
Richarda Duffy Momsen, City Clerk

(Signatures continued on following page)

APPROVED AS TO CONTENT:

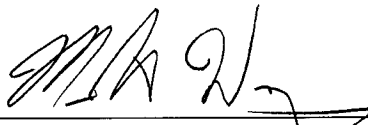


Jorge E. Rousselin, Urban Planner
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:



Matt Watson, Assistant City Attorney

5218 DONIPHAN DRIVE

DESCRIPTION OF PORTION OF TRACT 62 ZONED R-4:

BEGINNING AT THE P.O.B. FOR TRACT 62 (SW POINT):

THENCE, S 71d44' 00" W 205 FEET TO THE P.O.B. OF TRACT 62 R-4:

THENCE, N 18d16'00"W 125.97 FEET TO A POINT ON NORTH LINE OF TR 62:

THENCE, N 71d 44' 00" E 39 FEET TO A POINT ON THE WESTERLY LINE OF TRACT 58:

THENCE, S 18d 16'00"E 50.97 FEET TO A POINT AT THE SOUTHWEST CORNER OF TRACT 58:

THENCE, N 71d 44'00" E 50 FEET TO A POINT AT THE SOUTHEASTERLY CORNER OF TRACT 58 AND 62:

THENCE S 18d 16'00" E 75 FEET TO A POINT AT THE SOUTHEASTERLY CORNER OF TRACT 62:

THENCE S 71d 44'00" W 89 FEET TO THE P.O.B. OF TRACT 62 R-4 AND CONTAINING 8662.83 SF

AREA OF TRACT 62	34,486.68 SF
AREA OF TRACT 62 IN R-4	8,662.83 SF
AREA OF TRACT 62 IN C-3	25,823.85 SF

122 THORN DRIVE

DESCRIPTION OF TRACT 58 ZONED R-4:

BEGINNING AT THE P.O.B. FOR TRACT 62 (SW POINT):

THENCE, N 18d 16'00" W 125.97 FEET TO POINT ON THE NORTHWESTERLY CORNER OF TRACT 62:

THENCE N 71d 44'00" E 244.00 FEET TO A P.O.B. AT THE WESTERLY LINE OF TRACT 58:

THENCE, N 18d 16'00" W 124.03 FEET TO A POINT ON THE NORTHWEST R.O.W. OF THORN DRIVE:

THENCE N 71d 44'00" E 50.00 FEET TO A POINT ON THE NORTHEAST R.O.W. OF THORN DRIVE:

THENCE, S 18d 16'00" E 175.00 FEET TO A POINT AT THE SOUTHEASTERLY CORNER OF TRACT 62 AND 58:

THENCE, S 71d 44'00" W 50.00 FEET TO A POINT ON THE SOUTHWEST CORNER OF TRACT 62 AND 58:

THENCE N 18d 16'00" W 50.97 FEET TO THE P.O.B. FOR TRACT 58 CONTAINING 8750 SF.

Exhibit "A"

